

REMARKS

I. Status of the Claims

After the entry of this Amendment, claims 1-3, 10-11, 14-25, 42 and 45-46 are pending. Claims 1-3, 10-11, 14-25, 42 and 45-46 are allowed by the Examiner as of the Advisory Action dated November 12, 2004. Claim 44 is cancelled.

II. This Amendment is Filed Within the Period Allowed for Filing an Appeal Brief

This Amendment is presented within the period allowed for filing an Appeal Brief. On October 25, 2004, Applicants filed a Notice of Appeal for this application. Applicants are allowed to file an Appeal Brief two months (Dec. 25, 2005) from the date of the Notice of Appeal (37 CFR 1.192(a)). This two month period may be extended for an additional five months (May 25, 2005) upon the payment of a five-month extension fee under 37 CFR 1.17(a)(5). During this period allowed for filing an Appeal Brief, MPEP § 1206 sanctions the filing of an amendment which places the application in condition for allowance. As described in Section III below, Applicants are cancelling the only pending, non-allowed claim in the application. Therefore, this amendment places the application in condition for allowance, and Applicants respectfully request the entry of this Amendment.

III. This Amendment Places the Application in Condition For Allowance

As of the Advisory Action dated November 12, 2004, claims 1-3, 10-11, 14-25, 42, 44 and 45-46 are pending, claims 1-3, 10, 11, 14-25, 42, 45 and 46 are allowed, and claim 44 is rejected. In this Amendment, Applicants cancel claim 44. Since this Amendment cancels the only non-allowed pending claim, this application is now in condition for allowance. Applicants therefore respectfully request a Notice of Allowance.

Appl. No. 09/671,953

PATENT

Amendment dated May 25, 2005

Amendment Filed Within The Period Allowed for Filing an Appeal Brief

CONCLUSION

In view of the foregoing, Applicants believe that all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,



Todd Esker
Reg. No. 46,690

MORGAN, LEWIS & BOCKIUS, LLP
One Market, Spear Street Tower
San Francisco, California 94105
Tel: 415-442-1000
Fax: 415-442-1001